

THE HIGH COURT OF KARNATAKA AT BENGALURU
[THE REGISTRAR (EVALUATION) VS. S.V. RENU AND OTHERS]

12.01.2025
(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MRS JUSTICE ANU SIVARAMAN
and
HON'BLE MR JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MRS JUSTICE ANU SIVARAMAN)

Heard the learned counsel appearing for the appellant-University as well as the learned counsel for respondents No.1 to 5, who appeared online even though copies were served only a short while ago. We have also heard the learned Government Advocate appearing for respondent No.7.

We notice that the writ petition was filed by five students seeking the postponement of B.Com. Examination conducted by the Bangalore University. The reasons stated for seeking a postponement of the examinations on the schedule fixed by the Bangalore University was that the CA Foundation and Intermediate examinations were also being conducted on the same

dates. It is contended that the Institute, where the petitioners were enrolled, as well as the petitioners themselves had approached the University with Annexure - H and Annexure-G representations respectively dated 16.12.2024 and 18.12.2024, but that no action had been taken on the representation and no reply was furnished by the University. It is submitted that in view of the fact that several students are taking both the B.com., examinations as well as the CA Foundation and Intermediate Examination at the same time, such students were put to great prejudice if the examinations are conducted on the same dates.

Considering these contentions, the learned Single Judge had directed re-scheduling of B.Com., Examination of the 1st, 3rd and 5th semester, scheduled on 11.01.2025, 13.01.2025, 15.01.2025, 17.01.2025, 19.01.2025 and 21.01.2025 in view of the schedule of the CA Foundation and Intermediate Examination as indicated in the order.

Learned counsel appearing for the appellant would submit that the schedule of the Examination were intimated well in advance and that the Examinations themselves were notified on 13.12.2024. It is submitted that about 35000 students are taking B.Com., Examination conducted by the Bangalore University and several more are appearing for some of the papers which are common to other disciplines as well. It is contended that the examinations are ongoing from the 6th of January 2025 onwards and the Writ Petition was filed only on 09.01.2025. It is further submitted that the re-scheduling of the examinations at the instance of only 5 students is detrimental to the interests of thousands of students, who are unrepresented and is completely unwarranted.

It is further contended that the Apex Court in several decisions has specifically held that it is not for the Constitutional Courts to consider the question as to the conduct of examinations and that would come within the realm of policy and it is for the University to consider when the examinations are to be conducted and whether they

are to be scheduled taking note of other examinations being taken by the students also.

It is contended by the learned counsel for the appellant that in respect of petitioners No.4 and 5, there is absolutely no overlapping at all, since the examinations conducted by the Institute of Chartered Accountants of India (ICAI) are being conducted from 2.00 p.m. to 5.00 p.m., and that the examinations of the University are scheduled from 9:30 a.m. to 12.00 noon.

It is further submitted that as far as 1st petitioner is concerned, there is overlapping of the dates of the examinations only on 17th, 19th and 21st of January, 2025, but the timings are different. However, she did not appear for the examinations conducted on 10th of January, 2025, even though there was absolutely no overlapping. It is submitted that therefore, she will have to repeat the examinations along with the next semester examinations and that there is no other prejudice being caused to even those of the petitioners whose dates as well as time of the examinations are overlapping.

Learned Government Advocate appearing for the respondent - State would submit that the Government is only a formal party to the proceedings and it is for the University to take appropriate decision as to the date of conduct of the Examinations.

Having considered the contentions advanced, we are of the opinion that it would have been proper for the University to consider the representations, if any, received by respondents No.1 to 5 them and issue an endorsement to them. However, the fact that they did not, cannot in our view, stand in the way of the settled legal position that it is not for the Constitutional Courts to consider the request with regard to schedule of the examinations which is a matter which falls completely within the discretion of the University. We are of the opinion that the direction to reschedule the examinations, that too, at the instance of five students, was not a proper exercise. We are therefore, inclined to issue an order of stay of the interim order passed by the learned Single Judge dated 10.01.2025. The examinations scheduled to be conducted

by the appellant on 13.01.2025 and thereafter shall proceed as scheduled.

The copy of the interim order shall be made available to the learned counsel for the appellant, today itself.

The appellant shall take appropriate steps to see the fact that the Examinations are being conducted as per schedule shall be given wide publicity in print and electronic media and by all means available, so that the students are not put to any confusion or prejudice.

Registry shall list this matter before the Bench having the roster on the top of the list on 15.01.2025 for further consideration.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(M.I.ARUN)
JUDGE**